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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/591,708	06/09/2000	Stuart J. Jacobs	00-8010	2685

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EXAMINER

HA, LEYNNA A

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/591,708

Applicant(s)

JACOBS ET AL.

Examiner

LEYNNA T. HA

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on June 29, 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 7 and 23 is/are ~~withdrawn from consideration~~ *Cancelled*.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 AND 8-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. **Claims 1-6 and 8-22 have been re-examined. Applicant has cancelled claims 7 and 23.**
2. **Claims 1-6 and 8-22 remains rejected under 35 U.S.C. 102(b). This is a FINAL rejection.**
3. **Examiner's response to arguments.**

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-6 and 8-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Sudia, et al. (US 5,825,880).**

As per claim 1:

Sudia teaches a method for performing cryptographic-related functions comprising:

executing an application program at the network node (col.9, lines 62-65);

receiving an input requiring cryptographic-related processing;

Art Unit: 2135

generating a message via the application program based on the input (col.7, lines 34-52), the message representing one of a predefined set of messages (col.8, lines 10-11 and col.11, lines 6-15) for processing by a cryptographic processing component (col.9, lines 9-13) located within the network node (col.7, lines 53-65);

transmitting the message to the cryptographic processing component (col.7, lines 41-42); and

performing the cryptographic-related processing (col.10, lines 5-46).

As per claim 2:

Sudia discloses verifying a digital signature wherein includes encrypting and decrypting data (col.6, lines 32-42), retrieving the digital certificate (col.10, lines 15-38), verifying the hierarchy (col.1, lines 24-38), and self-signed certificate processing (col.7, lines 45-52) within the node. Further, Sudia discloses certificate age checking in the form of time stamping (col.9, lines 13-16).

As per claim 3: See col.11, lines 9-22 and col.16, lines 35-67 discusses generating a function call message representing a request for performing a predetermined cryptographic related functions.

As per claim 4:

Sudia discloses generating an output message via the application program wherein the output message requiring cryptographic-related processing (col.11, lines 6-10), transmitting one of predefined the messages (col.11, lines 10-13) to the cryptographic processing component (col.9, lines 9-13) to perform the cryptographic-related

processing (col.9, lines 55-56), and outputting the processed message (col.11, lines 17-18).

As per claim 5:

Sudia teaches a computer readable medium having stored thereon a plurality of sequences of instructions that may be invoked by a plurality of predefined messages executed by a processor (col.8, lines 24-55) to perform the steps of receiving an input requiring cryptographic-related processing that generates a message based on the input (col.9, line 64 – col.10, lines 2), the message representing one of predefined messages (col.10, lines 10-14) for processing to a cryptographic processing module (col.9, lines 9-13) and to perform the cryptographic-related processing (col.10, lines 15-30). Sudia discloses the predefined set of messages as being messages having been validated (col.8, lines 10-11) and includes data stored therein requesting for cryptographic-related processing (col.11, lines 6-15). Further, Sudia discusses generating a function call message representing a request for performing a predetermined cryptographic related functions (col.11, lines 9-22 and col.16, lines 35-67).

As per claim 6:

Sudia discloses verifying a digital signature wherein includes encrypting and decrypting data (col.6, lines 32-42), retrieving the digital certificate (col.10, lines 15-38), verifying the hierarchy (col.1, lines 24-38), and self-signed certificate processing (col.7, lines 45-52) within the node. Further, Sudia discloses certificate age checking in the form of time stamping (col.9, lines 13-16).

Art Unit: 2135

As per claim 8: See col.11, lines 6-13.**As per claim 9:**

Sudia includes cryptographic module comprising a memory configured to store a plurality of cryptographic processing programs (col.9, lines 1-13) that is invoked via one of the plurality of predefined messages (col.11, lines 8-14). Further, Sudia includes a processor (col.8, lines 24-55) configured to receive an input requiring cryptographic-related processing (col.7, lines 34-40), generates one of predefined messages (col.11, lines 6-13) to further transmit the message to the first one of the cryptographic processing programs (col.9, lines 9-13) and to perform the cryptographic-related processing (col.9, lines 55-56). Sudia discloses the predefined set of messages as being messages having been validated (col.8, lines 10-11) and includes data stored therein requesting for cryptographic-related processing (col.11, lines 6-15).

As per claim 10:

Sudia discloses verifying a digital signature wherein includes encrypting and decrypting data (col.6, lines 32-42), retrieving the digital certificate (col.10, lines 15-38), verifying the hierarchy (col.1, lines 24-38), and self-signed certificate processing (col.7, lines 45-52) within the node. Further, Sudia discloses certificate age checking in the form of time stamping (col.9, lines 13-16).

As per claim 11: See col.7, lines 34-45.**As per claim 12:** See col.11, lines 6-13.

As per claim 13:

Sudia includes cryptographic module comprising means for storing a plurality of cryptographic processing programs that is invoked via one of the plurality of predefined messages (col.11, lines 6-16). Further, Sudia discusses means for receiving an input requiring cryptographic-related processing (col.7, lines 34-40), means for generating the one of predefined messages based on the input (col.8, lines 45-55) to further transmit the message to the first one of the cryptographic processing programs (col.9, lines 9-13), and to perform the cryptographic-related processing (col.10, lines 5-46).

As per claim 14:

Sudia discusses a node coupled to other nodes in a network wherein the node includes an application program for handling communications with the other nodes (col.6, lines 22-57) that includes the method of performing cryptographic related functions (col.9, lines 55-56). In addition, Sudia discusses the method of receiving an input requiring cryptographic-related processing (col.7, lines 34-40), generating the one of predefined messages (col.11, lines 8-13) to further transmit the message to the first one of the cryptographic processing programs (col.9, lines 9-13) executed by the network node (col.7, lines 53-65) and to perform the cryptographic-related processing (col.9, lines 55-56).

As per claim 15: See col.11, lines 38-52.

As per claim 16:

Sudia discusses the method of requests for digital generation, verification, data encryption and decryption (col.6, lines 32-42), retrieval of digital certificate (col.10, lines

Art Unit: 2135

15-38), verifying the hierarchy (col.1, lines 24-38), self-signed certificate processing (col.7, lines 45-52), and certificate age checking in the form of time stamping (col.9, lines 13-16).

As per claim 17: See col.6, lines 4-19 and col. 7, lines 8-15; discussing the RSA signature scheme and the MD5 scheme.

As per claim 18: See col.6, lines 4-19 and col. 7, lines 8-15 ; discussing the RSA signature scheme and the MD5 scheme.

As per claim 19: See col.6, lines 4-19 and col. 7, lines 8-15; discussing the RSA signature scheme and the MD5 scheme.

As per claim 20: See col.6, lines 4-19 and col. 7, lines 8-15; discussing the RSA signature scheme and the MD5 scheme.

As per claim 21: See col.6, lines 24-30; discusses accessing a remote server via the network to retrieve cryptographic related information.

As per claim 22:

Sudia discloses a processor performing a method for providing cryptographic related functions (col.8, line 62 – col.9, line 18) wherein includes receiving a first function call from a predefined list of function call that is executable by the processor (col.8, lines 10-11 and 11, lines 8-15), generating request message for cryptographic processing (col.11, lines 6-10) to further transmit the request message to the cryptographic processing module (col.9, lines 9-13) executed by the at least one processor (col.7, lines 53-65 and col.9, lines 22-24) and to perform the cryptographic-related processing (col.9, lines 55-56). Further, Sudia discusses generating a function

call message representing a request for performing a predetermined cryptographic related functions (col.11, lines 9-22 and col.16, lines 35-67).

Response to Arguments

5. Applicant's arguments filed June 29, 2004 have been fully considered but they are not persuasive.

The Examiner have re-examined the office action with the newly amended claims. However the rejection remains in view of Sudia.

Applicant argues that Sudia fails to disclose the "same network node" or the "same processor". For the purposes of relating art, a network node is a computer or a server that is connected to a network environment wherein a network there exists multiple nodes. Applicant fails to claim as part of the claim language the "same" network node, hence, this limitation cannot be taken in light of what is claimed for the Examiner is only required to interpret to the broadest reasonable interpretation to what is claimed. The claim language states the network node which can broadly be interpreted as any one of the nodes within the network environment.

Even innuendo that Applicant includes the same network node in the claim language, Sudia does cite the message server and the signing device could be implemented on a single computer (col.7, lines 55-65).

Further, Applicant claims a function call message that represents "a request for performing a predetermined cryptographic related function". Sudia does discuss a message requesting to perform a predetermined cryptographic related function wherein cryptographic is function can be signing the document, generating a signature verification key, or verifying the signed certificates (col.11, lines 9-36 and col.16, lines 35-67).

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

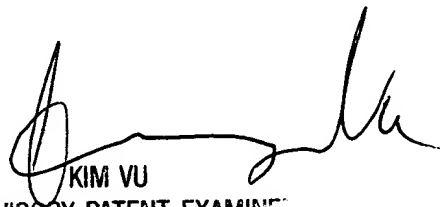
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEYNNA T. HA whose telephone number is (571) 272-3851. The examiner can normally be reached on Monday - Thursday (7:00 - 5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LHa


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